

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

SIMRET SEMERE TEKLE,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:18cv0211 (TSE/JFA)
)	
NOUF BINT NAYEF ABUL-AZIZ AL)	
SAUD, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

ORDER


On June 18, 2019, District Judge T.S. Ellis, III denied the defendants' motions to set aside portions of two discovery-related orders entered on May 10 and 17, 2019. (Docket no. 256). In that order, plaintiff's request for attorneys' fees pursuant to Rules 26(c)(3) and 37(a)(5) (Docket no. 225 at 12-13) was referred to the undersigned.

Plaintiff seeks an award for the attorneys' fees and costs incurred in seeking a protective order after being served with 1,994 requests for admissions and for the appeal of the order granting in part plaintiff's motion for a protective order. (Docket no. 225). While plaintiff is correct that the serving of almost 2,000 requests for admissions in this case was excessive, the fact is that the motion for a protective order was granted in part and denied in part. As explained during the hearing on May 17, 2019 (Docket no. 194), the court did require the plaintiff to respond to a significant number of the requests for admissions concerning the authenticity of certain photographs, videos, and documents. Given that the motion for a protective order was granted in part and denied in part and that the defendants made a good-faith argument as to why the additional requests for admissions were propounded, the court did not award the plaintiff the

fees and costs incurred in filing the motion for a protective order under Federal Rules of Civil Procedure 37(a)(5) and 26(c)(3). As to the appeal, the defendants did not challenge the portion of the protective order restricting the requests for admissions concerning the authenticity of photographs, videos, and documents but focused on 19 of the remaining 56 requests for admissions claiming they were relevant and material to the case. (Docket no. 197). Having once again reviewed the pleadings and argument relating to the motion for a protective order and having reviewed the pleadings relating to the request for reconsideration of that order, the court finds that the arguments raised by the defendants were substantially justified. Accordingly, it is hereby

ORDERED that plaintiff's request for attorneys' fees and costs pursuant to Rules 26(c)(3) and 37(a)(5) is denied. This order does not preclude plaintiff from seeking an award for the fees and costs incurred relating to the motion for a protective order if plaintiff prevails on any claim allowing for the award of attorneys' fees in this action.

Entered this 31st day of July, 2019.


_____/s/_____
John F. Anderson
United States Magistrate Judge

John F. Anderson
United States Magistrate Judge

Alexandria, Virginia